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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,966	10/15/2004	Joshua Montgomery	60655.6500	5965
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EXAMINER

REYES, MARIELA D

ART UNIT	PAPER NUMBER
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2169

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,966	Applicant(s) MONTGOMERY ET AL.	
	Examiner Mariela D. Reyes	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 October 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/04, 10/28/04, 11/1/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 2/10/05, 2/14/05, 4/29/05</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims a method, which includes facilitating the providing of a URL and the completion of a transaction. Applicant's use of the word facilitating in a general way renders the claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5, 7-12 and 15-17 rejected under 35 U.S.C. 102(b) as being anticipated by Greer et al. (US PG Pub 2002/0165931).

Regarding Claim 1:

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The instant claim recites a RFID transaction device configured with a unique identifier associated with a URL; a merchant POI that communicates with the RFID to receive the URL; and a third party issuer in communication with the merchant that facilitates the association of the URL with a unique identifier.

Greer teaches a RFID device (See Greer e.g. Paragraph [0014]) to read a portable RFID device with structured data associated to a URL. This URL is then accessed by a third party responsible for executing a related transaction.

Regarding Claim 2:

The instant claim recites the system of claim 1, wherein the merchant includes a merchant database and the POI is in communication with the RFID in a contact less environment.

Greer teaches that the store has to maintain an up-to-date database (See Greer e.g. Paragraph [0010]). It would be inherent that the POI and the RFID communicate in a contact less environment because the RFID communicates by sending signals wirelessly.

Regarding Claim 3:

The instant claim recites the system of claim 1 where the account issuer system is configured to maintain a transaction account associated with the RFID device and the transaction account correlates the unique identifier with the device URL.

Greer teaches that a structured data format is associated with the portable data carrier (RFID device) and this correlates to a specific URL. (See Greer e.g. Abstract)

Regarding Claim 4:

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The instant claim recites the system of claim 3, wherein the account is configured for use in completing a transaction request including providing the unique account id and the URL to at least one of the RFID device database, the merchant or the third party.

Geer teaches that during a request the account id and the URL are communicated to at least the third party. (See Greer e.g. Abstract)

Regarding Claim 5:

The instant claim recites the system of claim 1, wherein at least one of said third party and issuer system correlates the URL with at least one of incentive points, loyalty points, coupons and discounts.

Geer teaches that the issuer and the third party correlate the URL to process an associated transaction. This associated transaction could range from charging to an account or adding loyalty points depending in the amount charged. (See Geer e.g. abstract)

Regarding Claim 7:

The instant claim recites the system according to claim 1, wherein the URL is unique to the RFID transaction device account, said third party and said issuer system.

Geer teaches that the particular data accesses a particular URL.

Regarding Claim 8:

The instant claim recites the system of claim 1, is configured with at least two different URLs for use in different markets.

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Geer teaches that the data accessed can be used to create a new associated URL. (See Greer e.g. Abstract)

Regarding claim 9:

The instant claim recites the system of claim 8, wherein the URLs may be configured for any use.

Geer teaches that the URLs is associated either with a web page or an associated process.

Regarding Claim 10:

The instant claim recites the system of claim 1, wherein said RFID transaction device is configured with a URL that can be modified by at least one of said issuer and said third party, wherein said modification of said URL does not impact a merchant system.

Geer teaches that the URL can be modified if the URL doesn't result in a valid response the modified URL will then be tried to process the associated transaction. (See Greer e.g. Abstract)

Regarding Claims 11 and 17:

The instant claim recites a method for completing a contact less transaction that includes: providing a URL to a RFID device; facilitating the providing of said URL to a third party that facilitates the correlating of the URL with a device account; and facilitating the completion of said transaction.

Greer teaches a RFID device (See Greer e.g. Paragraph [0014]) to read a portable RFID device with structured data associated to a URL this URL is then

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accessed by a third party responsible of executing a related transaction and that a structured data format is associated with the portable data carrier (RFID device) and this correlates to a specific URL. (See Greer e.g. Abstract)

Regarding Claim 12:

The instant claim recites the method of claim 11, comprising providing a transaction account identifier to at least one of a merchant, issuer and third party.

Geer teaches that an account identifier is provided to a merchant.

Regarding Claim 15:

The instant claim recites the method of claim 11, including correlating the URL to at least one of a distinct third-party provider and transaction account issuer system.

Geer teaches that the particular data entities are correlated to the URL.

Regarding Claim 16:

The instant claim recites the method of claim 11, wherein said step of providing a URL to a RFID transaction device includes providing said URL unique to at least one of said RFID device account, said third party and said issuer system.

Geer teaches that the unique URL is provided to the third party and issuer system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al (US PG Pub 2002/0165931) in view of LaBounty (US Patent 4,984,270).

Regarding Claims 6 and 13:

Greer teaches an end device that reads a portable data carrier with a structured data format. This end device communicates data from the read and then accesses a URL device related to the read data and processes an associated transaction. (See Greer e.g. Abstract) However Greer fails to explicitly disclose the use of the Track 1 / Track 2 format.

LaBounty teaches how information is conventionally stored in credit cards and discloses that they use the conventions of ISO 7813. (See Labounty e.g. Column 4 Lines 63-68)

It would be obvious to someone with ordinary skill in the art to combine the well known use of LaBounty's teachings into Greer motivated by the fact that the conventional way of storing information would be kept, meeting the standards already established in the industry for information storage in charge cards thereby maintaining or expanding market share and reducing costs.

Regarding Claim 14:

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Greer teaches an end device that reads a portable data carrier with a variable data format. This end device communicates data from the read and then accesses a URL device related to the read data and processes an associated transaction. (See Greer e.g. Abstract) However Greer fails to explicitly disclose the use of the Track 1 / Track 2 format.

LaBounty teaches how information is conventionally stored in credit cards and discloses that they use the conventions of ISO 7813. (See Labounty e.g. Column 4 Lines 63-68)

It would be obvious to someone with ordinary skill in the art to combine the well known use of LaBounty's teachings into Greer motivated by the fact that the conventional way of storing information would be kept, meeting the standards already established in the industry for information storage in charge cards thereby maintaining or expanding market share and reducing costs.

Conclusion

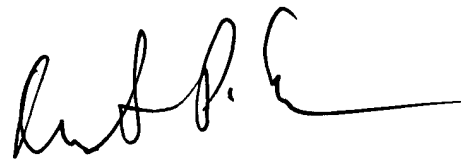
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571)272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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